

Remarks

Claims 1-27 are at issue. Claims 1-27 stand rejected under 35 USC 112, second paragraph as being indefinite. Claims 1-27 stand rejected under the judicially created doctrine of double patenting over claim 16 of USPN 6,167,400.

A terminal disclaimer is enclosed under protest. The Examiner has not carried his burden in proving that a double patenting rejection is required. However, the cost required to fight this issue cannot be justified by the client in their present circumstances.

The applicants have added a definition of the mathematical term "behavior" under protest. The MPEP section 2173.05(a) in the paragraph titled The Requirement for Clarity and Precision Must Be Balanced with the Limitations of the Language states, "If the claims, read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the statute demands no more". Clearly, the claims meet this definition before the amendment to the claims. The term behavior has an exact mathematical definition that was provided to the Examiner in the last response. All claims are clearly allowable over the 35 USC 112 second paragraph rejection.

The application has been placed in condition for allowance, prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

(Brandin)

By



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I hereby certify that a Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on:

7/16/04
Date

Dale B. Halling
Signature (Dale B. Halling)